

**ADDENDUM TO THE
CHILD PROTECTIVE SERVICE INVESTIGATION STANDARDS**

Issued June 25, 2004

ADVISING THE ALLEGED MALTREATER OF THE ALLEGATIONS

Purpose: Assure that the alleged maltreater understands the CPS purpose and the allegations made against him or her during the first contact with CPS.

Applicability of the Policy:

This policy applies to all cases in which the CPS agency is contacting a person alleged to be the maltreater of a child in response to a report of alleged child abuse or neglect or the threat of child abuse or neglect pursuant to s. 48.981, Stats.

This policy does not apply to instances in which the CPS agency screens out a referral but contacts the family for the sole purpose of offering voluntary agency services or referral to voluntary community services.

The policy addresses two points of contact: 1) the contact made to gain agreement for an interview or schedule an interview, and 2) the first face-to-face contact with the alleged maltreater during which an interview takes place.

Policy:

Contact Made to Gain Agreement for an Interview

The CPS caseworker will introduce himself/herself, identify the agency that he/she represents, and provide a general statement as to why the caseworker wants to talk with the person. At a minimum, the alleged maltreater must be advised that there are concerns about the care that his or her child or a child in his or her care has been receiving.

First Face-to-Face Contact

During the first face-to-face contact with the alleged maltreater during which an interview takes place, the CPS caseworker will initiate the interview by introducing himself/herself and identifying the agency by which he or she is employed, explaining the purpose of CPS, as described in the *CPS Investigation Standards*, explaining the purpose of the interview, and advising the alleged maltreater of the allegations made against him or her. The notification of the concerns must be in accordance with the following:

- Notification of the allegations need not be in detail, but must be sufficient so that the alleged maltreater understands what CPS is assessing and that a purpose of the interview is to gain more information about those allegations.
- Notification need not contain details such as the dates of alleged incidents, specifics about instruments that might have been used, who might have witnessed any incidents, what the child has said about the allegations, etc.
- Under no condition should information be shared that in a way could identify the reporter(s).

- As stated above, there is flexibility in how much detail is shared. The primary purposes for CPS interviewing the alleged maltreater are to assess the child's safety and determine whether CPS intervention is needed to assure the child's safety. Therefore, the amount of detail shared at various points of the interview and initial assessment process should be consistent with these purposes. A secondary purpose in cases of maltreatment by a primary caregiver is to initiate or offer a helping response. The amount of detail shared should also be consistent with this purpose, as long as it does not compromise the primary purpose of safety.
- If CPS and law enforcement jointly interview/contact the alleged maltreater, the requirements still apply, even if law enforcement does all of the interviewing, as this is still the first contact by CPS.
- In child maltreatment cases where a law enforcement agency is investigating for purposes of possible criminal prosecution, communication between the CPS agency and law enforcement agency must occur so that critical evidence in serious crimes is not concealed or destroyed, the criminal investigation is not otherwise jeopardized, and the child is not placed at increased risk. The manner in which the communication occurs and how such cases will be handled should be described in the Memorandum of Understanding (MOU) developed between the agencies, in accordance with the *Standard for Collaboration with Law Enforcement*.

In many cases, law enforcement officers will initiate an interview with a general description of the concerns that initiated the contact, and there should be no conflict in conducting a joint interview. However, in some cases, the law enforcement agency may need to proceed in a less direct manner with the alleged maltreater. In these cases, it may be necessary for law enforcement personnel to conduct the first interview with the alleged maltreater to gather the evidence that they need, without the involvement or presence of CPS.

CPS may not, however, delay the interview with the alleged maltreater if such a delay could jeopardize the safety of the child. The MOU that the CPS agency develops with law enforcement agencies can address this issue. Note: CPS is not required to interview alleged maltreaters that are non-caregivers, as defined by statute, because CPS has no role with non-caregivers. Also, in certain circumstances as described in the *CPS Investigation Standards*, CPS may not need to interview secondary caregivers.

- If the CPS caseworker initiates the interview and the person being interviewed is unable to fully participate due to an inability to understand (e.g., cognitive delays, a language barrier, a hearing impairment), the notification of the allegations against the person must be made again when arrangements are made for a translator or advocate to assist with the interview.
- If the alleged maltreater is a minor, the parent(s), guardian, or other adult protecting the minor's interests and the minor must be advised of the allegations against the minor at the beginning of the interview with the minor. It is insufficient to advise just the minor prior to interviewing.
- Documentation that the alleged maltreater was advised/informed of the allegations made against him or her and when this was done must be included in the case record.

Exceptions

There are circumstances in which the CPS caseworker cannot reasonably be expected to advise the alleged maltreater of the allegations in the timeframe required in this policy:

- The CPS caseworker feels unsafe and needs to end the interview.

- The alleged maltreater leaves the interview or tells the caseworker to leave before he or she has been informed.
- The first contact the CPS caseworker has is under conditions where it is not reasonable or possible to talk to the alleged maltreater (e.g., law enforcement has the person in custody, the person is clearly intoxicated or is under a CH. 51 hold)

In these circumstances, notification must be made at the first contact where the CPS caseworker interviews the alleged maltreater.

Cases With an Unknown Maltreater

If there is no clear alleged maltreater, CPS will do the following:

- During the first contact with everyone being interviewed as other than a collateral contact or the child victim, CPS informs that person of the CPS purpose and the purpose of the interview and gives a general explanation of the allegations and concerns.